

FILED - MQ

February 27, 2019 9:55 AM

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGANU.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: slk / scanned [signature]Kevin Theriot 423068

2:19-cv-53

Janet T. Neff, U.S. District Judge
Timothy P. Greeley, Magistrate Judge

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

Ukman Marshall, Paul L. Holmberg, Ukman Holm, Ukman Hernandez,
Ukman Cordoba

(Enter above the full name of the defendant or defendants in this action.)

COMPLAINT

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$400.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☒ No ☐
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.
1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

 2. Is the action still pending? Yes ☒ No ☐
 - a. If your answer was no, state precisely how the action was resolved: _____
 3. Did you appeal the decision? Yes ☐ No ☐
 4. Is the appeal still pending? Yes ☐ No ☐
 - a. If not pending, what was the decision on appeal? _____
 5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☒

If so, explain: _____

II. Place of Present Confinement _____

If the place of present confinement is not the place you were confined when the occurrence that is subject of instant lawsuit arose, also list the place you were confined:

NA

III. Parties

A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Kevin Theriot

Address Baraga Corr. Faci 13924 Wadaga Rd Baraga MI 49908-9204

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 William Marshall

Position or Title Deputy Warden

Place of Employment Baraga Corr. Faci

Address Same as plaintiff

Official and/or personal capacity? Both

Name of Defendant #2 Paul L. Maloney

Position or Title Judge

Place of Employment U.S. District Court

Address 224 Post Office and Federal Building P.O. Box 698 Marquette MI 49855

Official and/or personal capacity? Both

Name of Defendant #3 William Holmes

Position or Title Officer

Place of Employment Baraga Corr. Faci

Address Same as plaintiff

Official and/or personal capacity? Both

Name of Defendant #4 William Herrera

Position or Title Officer

Place of Employment Baraga Corr. Faci

Address Same as plaintiff

Official and/or personal capacity? Both

Name of Defendant #5 William Cordoba

Position or Title Officer

Place of Employment Baraga Corr. Faci

Address Same as plaintiff

Official and/or personal capacity? Both

IV. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

On 2-16-19, Deputy Warden Marshall approached my cell along with officers Holma and Cordonado and said "I just got off the phone with Judge Paul L. Maloney and he said you are appealing his decisions in Case No 218-W-92 and not letting it go like we all predicted and want. The judge told us to make you stop by any means!" I said "You have to believe me, I'm through with the lawsuits!" Marshall said "Yeah, we heard that before but Letoz is telling me different!" He then turned around and said to officers Cordonado and Holma, "Go in there and get him!" My door was then opened and Holma and Cordonado ran inside and began to strike me while I hovered on the floor. Then I was dragged out after being hard cuffed behind my back. I was taken outside the perimeter gate and cuffed to the door on a gun tower. Marshall, Holma, and Cordonado then ran away. From a distance I could see the perimeter truck heading towards me in great speed. Marshall yelled, "Say you quit or I'll let the truck strike you!" I already began yelling, "I'll quit, I'll quit!" Marshall then calmly and very slowly grabbed the walking talkie at his hip and spoke in it, "Stop." By then the car was extremely close and traveling towards me in great speed. The truck began to turn when it began to stop, turning to the side. The truck stopped maybe three feet away from me as I was almost hit. Because of this, my life is in imminent danger, and this was done to stop me from pursuing with lawsuits, the illegal gassing on 1-29-19 and the illegal placement in segregation on 4-29-16. As I was being returned to my cell, officer Hemmle, who was driving the truck, came to escort me back, trading places with Holma. When I was placed in my cell, still with the cuffs on, door closed, Hemmle was the one with his hands through the food slot and he stuck his finger up my butt and said "You know, I can't leave with out doing that!" Paul L. Maloney was the orchestrator of this assault as said by Deputy Warden Marshall. There is an affidavit in support attached to this complaint.

V. Relief

State briefly and precisely what you want the court to do for you.

I would like to be financially compensated.

2-11-19
Date

John O. Vent
Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

Keen ~~12/30/18~~

Baraga, Mich

139 24 Wadaga Rd.

Baraga, MI 49908

7 complaints

U.S. District Court
229 Post Office and Federal Building
P.O. Box 698
Marquette, MI 49855

